

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the) Application No. 911-001/PI-52
Commission, on its own) Progression Order No. 6
motion, seeking to)
establish guidelines for) ORDER REGARDING TESTING
the administration of the)
Enhanced Wireless 911 Fund.) Entered: January 24, 2006

BY THE COMMISSION:

The Commission opened this docket on September 19, 2001, to establish guidelines for the administration of the Enhanced Wireless 911 Fund (Fund) pursuant to the Enhanced Wireless 911 Services Act ¹ (the Act). Subsequently, the Commission issued Progression Order No. 5 in the above-referenced docket on July 16, 2002, adopting guidelines after hearing and comment.

The Act provides in part, "The commission shall have any powers necessary to carry out the intent and purposes of the act."² Furthermore, "The commission shall determine the most efficient method for providing enhanced wireless 911 service."³

Section I(B) of the Appendix to Progression Order No. 5 set forth specific guidelines and procedures for testing during implementation of Phase I which include but are not limited to a requirement that the wireless carrier file a test plan with the Commission and that tests be scheduled at least two weeks in advance with the Director of Wireless E911 (Director), the local exchange carrier (LEC), the public safety answering point (PSAP) and the wireless carrier. Additionally, the completed test and acceptance plan are to be filed with the Commission within 30 days of the successful completion of testing. All wireless carriers and the public safety answering points (PSAPs) are required to comply with the guidelines.

Some wireless carriers have failed to comply with the testing requirements of Progression Order No. 5. The testing procedures as set forth in Progression Order No. 5 should be followed regardless of whether the testing is for a new deployment in a county or if one tower is being implemented. Wireless carriers have proceeded with testing without notifying or including the Director, LEC or PSAP. This places a significant burden on the PSAP, the Commission, and the LEC if they are not notified in advance of testing.

1 Neb. Rev. Stat. § 86-442 et seq. (2004 Cum. Supp.).

2 Neb. Rev. Stat. § 86-465(3).

3 Neb. Rev. Stat. § 86-464.

The testing procedures established in Progression Order No. 5 are necessary to ensure that all parties are available to assure the accuracy of the testing. Further, if the Commission is not notified of the testing, it does not receive any notice of the implementations taking place and payment of invoices is hindered.

The need for communication between the wireless carriers, LECs, PSAPs and the Commission is vital.

The Commission, therefore, finds that all wireless carriers, regardless of whether they are currently receiving reimbursement from the Fund, shall comply with the testing procedures set forth in Progression Order No. 5, Docket 911-001/PI-52 entered on July 16, 2002. Failure to do so may result in loss of funding or assessment of civil penalties pursuant to Neb. Rev. Stat. § 75-156(3).

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that all wireless carriers, regardless of whether they are currently receiving reimbursement from the Fund, shall comply with the testing procedures set forth in Progression Order No. 5, Docket 911-001/PI-52 entered on July 16, 2002.

IT IS FURTHER ORDERED that failure to do so may result in loss of funding or assessment of civil penalties pursuant to Neb. Rev. Stat. § 75-156(3).

MADE AND ENTERED at Lincoln, Nebraska, this 24th day of January, 2006.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director